

Finding Your Way

Guides for Fathers in Child Protection Cases

Information about your case plan and services.

- The agency may have developed a case plan that requires you to complete certain tasks to maintain a relationship with your child.
- Completing case plan tasks while in prison can be hard. You will need to contact your caseworker and lawyer to find out what is expected and ask them to work with the prison to offer you the required services.
- Many prisons offer parenting classes, GED classes, drug treatment, or job training. If your prison keeps a list of available classes and services, ask for a copy to give your lawyer and caseworker.

PROTECTING YOUR RIGHTS WHEN OUT OF PRISON

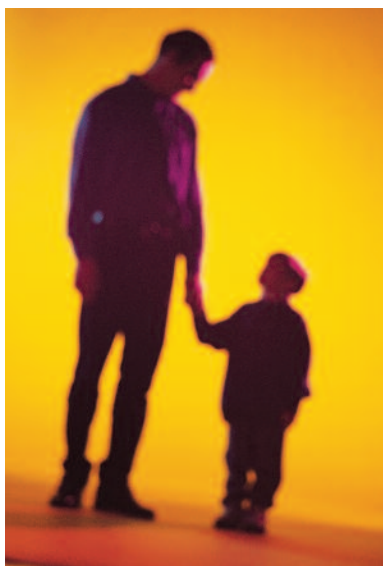
If you are out of prison, it still may be hard to participate fully in your child's court case, especially if others don't think you should because of your criminal history. If that is the case, you may need to prove you are a positive influence in your child's life and that you have successfully re-entered the community.

Show you are a positive influence.

- Attend all of your child's court hearings.
- Know how your child is doing and ask questions about where he or she lives, his or her health, and progress in school.
- Visit your child regularly. Keep in touch by phone and/or send cards or letters. If other parties oppose visits, with your lawyer's help, fight to maintain contact. Continue doing positive things to help your child (e.g., sending letters or maintaining contact with his or her caretakers to see how the child is doing).
- Help your family keep in touch with your child.
- Become involved in your community's recreational activities, church, or other organizations that are family and child friendly.
- Participate in services that will help you better parent your child (e.g., parenting classes).

Prepare for success after prison.

- Participate in services that will help you overcome the issues that led to your imprisonment, if you haven't already. For example, if you were in jail for assault, enroll in a class to help you manage your anger. If you were in jail for drugs, join narcotics anonymous or another treatment program or support group.
- Request housing or job assistance. If you lack stable housing, see if you are eligible for public housing and how your caseworker can help. If you are seeking custody of your child, there may be programs to help you locate an affordable place to live. If you are out of work, ask the caseworker for help finding a job or enrolling in a job training program.



Guide 6

If You Are or Have Been in Prison

About the guides

This is one in a series of guides that give you tips to help you and your child throughout the court case. The guides include:

Guide 1: Your rights and responsibilities

Guide 2: How to work with your lawyer

Guide 3: Your role in court

3.1: The court process

3.2: Who will be in court

3.3: Common court terms

Guide 4: Your role outside court

Guide 5: When you owe child support

Guide 6: If you are or have been in prison

Keep these guides in a safe place. Review them before you attend a court hearing or meeting. Check the guides to see which one(s) will help you as you prepare for that court date or meeting.

This guide provides general information, not legal advice. If you have case-specific or legal questions, ask your lawyer or caseworker.



If You Are or Have Been in Prison

You're a dad who does not live with your child. You learn your child is involved in a court case because of suspected abuse or neglect. If you are in prison now or were in the past, you are still an important person in your child's life. You and your family can be involved in your child's court case and be a resource to your child.

When you will need this guide

- ✓ This guide is important **if you are or have been in prison.**
- ✓ Use it to **help you recall what is expected of you and what rights you have** to be involved in your child's life and participate in his or her court case.

- **Representation**—a lawyer to protect your legal interests. (Note: In some states you may have to hire your own lawyer and in others you may be able to get one for free if you don't have a lot of money. If the government seeks to terminate your rights to your child, most states will give you a lawyer for free if you can't afford one.)
- **A fair trial**—a few states offer jury trials, while in others the judge makes final decisions. You have a right to a judge who is neutral (not biased).
- **A relationship with your child**—a right to ongoing contact with your child unless the court or agency finds it is not in your child's best interest or that contact with you may harm him or her. You also have the right to ask for custody of your child.

You Have the Same Rights

Even though you are or have been in prison, you still have a right to maintain a relationship with your child during his or her child welfare case. This includes visiting your child or becoming his or her caretaker. In both instances, you still have a right to:

- **Notice**—advance notice of all court hearings.
- **Contest allegations**—a chance to admit or deny any allegations of abuse or neglect that are made against you.
- **Court participation**—an opportunity to attend, participate, and be heard in all court hearings. Assistance should be available so your participation can be meaningful, such as an interpreter if you do not understand English or are hearing-impaired.

PROTECTING YOUR RIGHTS WHILE IN PRISON

If you are in prison it will be hard to protect these rights, especially your right to participate in court hearings, visit, and seek custody of your child. You must advocate strongly for yourself by keeping in contact with your lawyer and caseworker and requesting:

That you be allowed to attend court hearings.

- Ask for this well before each court date so the agency and prison have enough time to make arrangements.
- If you can't go to court, ask to participate by phone or ask for a lawyer (if you don't already have one) who can participate for you and then let you know what happened.
- Make sure you tell the lawyer what you want before the hearing regarding your child's placement, services, and visits with family.

Regular visits with your child.

- You may not be able to see your child every week, but you should still be allowed to have some kind of contact with him or her unless the court finds it would harm the child.
- Even if you can't see each other regularly, there are other ways to keep in touch:
 - **"Virtual visits" through videotape or teleconferencing** where you can see your child (and he or she can see you), but you are in different locations—Ask your lawyer or caseworker to help set up in-person or virtual visits.
 - **Writing letters or recording your voice** reading stories or talking to your child. Work with prison officials to make sure you have access to pens, papers, envelopes, stamps and a recording device.
 - **Talking to the child by phone**—Make sure prison officials allow access to a phone and it is clear who will pay for the call (i.e., the agency arranges to have your child's foster parent or caregiver accept collect calls from you).

